



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Elevator Control Service, Elcon Enterprises,
Inc.

File: B-239360

Date: June 6, 1990

A. M. Warfield, for the protester.

Michael V. Crierie, for Metro Elevator, Inc., an interested party.

Gary F. Davis, Esq., General Services Administration, for the agency.

Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO participated in the preparation of the decision.

DIGEST

1. Where a bid offers a minimum bid acceptance period of 90 days in response to a sealed bid solicitation requiring 120 days, the bid is nonresponsive and may not be corrected after bid opening.

2. A nonresponsive bid must be rejected and may not be changed or corrected based on explanations offered by the bidder after bid opening.

DECISION

Elevator Control Service, Elcon Enterprises, Inc. (Elcon), protests the rejection of its bid under invitation for bids (IFB) No. GS-11P-90-MJD-0015, issued by the General Services Administration (GSA) for elevator preventive maintenance and repair services. The solicitation required a minimum bid acceptance period of 120 days; however, Elcon's bid specified a 90-day acceptance period. The firm contends that it should be allowed to correct its bid because its 90-day acceptance period was an inadvertent clerical error.

We summarily dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990), because it is clear on the face of the protest that it is without merit.

A provision in a sealed bid solicitation requiring that a bid remain available for the government's acceptance for a 120-day period is a material requirement, and hence it


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must be complied with at bid opening for the bid to be responsive. San Sierra Business Sys., B-233858, Dec. 27, 1988, 88-2 CPD ¶ 629. Since Elcon's bid was thus nonresponsive, GSA was required to reject it and to refuse Elcon's offer to correct it after bid opening. See Master Security, Inc., B-225719, B-225720, Feb. 26, 1987, 87-1 CPD ¶ 226.

Elcon maintains that it was not its intention to limit the acceptance period, but rather to allow the government 90 additional calendar days over and above the minimum acceptance period. Elcon argues that it should be allowed to correct its bid by inserting 210 calendar days in place of the erroneous 90 calendar days provision or by deleting the provision entirely. It is well-established, however, that a nonconforming acceptance period specified in a bid is not a minor irregularity or mistake which may be explained, changed, or corrected after bid opening. General Elevator Co., Inc., B-226976, Apr. 7, 1987, 87-1 CPD ¶ 385.

Elcon further contends that if it is allowed to correct its bid, GSA would save money because it is the responsible low bidder. We have long recognized, however, that the importance of maintaining the integrity of the competitive bidding process outweighs any monetary advantage that the government might gain by accepting a nonresponsive bid. See Sac & Fox Indus., Ltd., B-231873, Sept. 15, 1988, 88-2 CPD ¶ 250.

The protest is dismissed.


Ronald Berger
Associate General Counsel